



JOINT TOWN COUNCIL AND PLANNING COMMISSION STAFF REPORT

P.O. BOX 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR, TOWN COUNCIL AND PLANNING COMMISSION

FROM: KATIE KENT, PLANNER

THRU: JOYCE ALLGAIER, COMMUNITY DEVELOPMENT DIRECTOR

RE: OUTDOOR COMMERCIAL ESTABLISHMENTS

DATE: MAY 22, 2018

Summary:

The Community Development Department has initiated an update to the Outdoor Commercial Establishment (OCE) regulations (§180-5.2.4 of the Unified Development Code). Amendments to the OCE regulations are being reviewed at this time for several reasons:

- confirm the goals of the OCE regulations,
- change unclear provisions, improve usability, and
- address citizen concerns regarding the size of mobile vendors and locations permitted.

As part of the update, Staff established a working group consisting of seven (7) citizens who represent businesses throughout the Town of Frisco and a food truck operator. This memo serves as an update of discussions held by the OCE Working Group on March 20, 2018 and Planning Commission work session held on May 3, 2018. The Planning Commission requested a joint work session with Town Council for input and feedback on the ideas being contemplated.

This memo is followed by two (2) attachments to support the discussion:

Attachment 1, Existing Outdoor Commercial Establishment regulations
Attachment 2, "Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending" by Rodney Arroyo, AICP and Jill Bahm, AICP

At the Working Group and Planning Commission work sessions, Staff provided an overview of the existing regulations and highlighted sections which lead to ambiguity and citizen concerns. These include:

Section 5.2.4C, Permitted Uses:

1. *Outdoor commercial establishment permitted uses include and are limited to the following: mobile food vendors, including carts and trucks, mobile vendors of merchandise, sale of merchandise, such as for sidewalk sales and other special events, seasonal farmer's markets and other similar fresh food sales, temporary art and craft fairs and festivals, seasonal holiday sales, and community events.*

2. *Mobile vendors are defined as mobile carts and trucks that are under independent ownership from an established business located within a building in Frisco.*

Section 5.2.4D, Permit Review Criteria:

10. *Mobile Vendors. In addition to meeting all other requirements of this section, mobile vendor structure or equipment must provide for trash disposal and remove trash daily. Mobile vendor structure or equipment may not exceed 100 square feet in area.*

Staff noted that Farmers' Markets and Produces Stands are already defined as uses outlined in Article 5, Uniform Development Code. These should not be included in the OCE discussions.

Section 5.2.2, Farmers' Markets

This use may sell food, food products, arts, and crafts prepared on- or off-site, as long as its principal ingredients or components are grown on-site or within Colorado.

Section 5.2.7, Produce Stands

The majority of products sold at the stand shall have been grown, raised, or produced on the property where the stand is located. Only one stand is permitted on a property.

Regardless of what regulations are established, property owner consent is required. Additionally, applicable regulations from other entities will apply including, but not limited to, Summit Fire, Building Code, Environmental Health, and applicable State permitting.

Uses which would currently be considered under OCEs include:

- Outdoor seating for restaurant (on premise)
- Outdoor display of merchandise (on premise)
- Mobile commercial uses through Town events
- Musicians
- Youth Business Operations
- Tent Sales (off premise)
- Transient Vendors (hot dog cart/ice cream truck)
- Stationary Vendor (parked in one location)
 - Popcorn cart
 - Food truck

The Working Group and Planning Commission agreed that the following uses should be exempt from OCE permitting when the regulations are amended:

- Outdoor seating for restaurant (on premise)
- Mobile commercial uses through Town events
- Musicians (on premise)
- Youth Business Operations (bake sales, lemonade stands)

The Working Group and Planning Commission agreed that Outdoor Display of Merchandise, Transient Vendors, Stationary Vendors and Tent Sales needed further discussion and refined regulations. It was agreed that regulations should differ for these use categories based on where in the Town they may be located. This is because different parts of town have different physical characteristics, traffic patterns, parking options, amount of open space, and "flow". For example, Main Street has little private property in front of buildings, minimal on-site parking, and

a tight arrangement of buildings side by side, versus the Summit Boulevard corridor which is characterized by more open and larger expanses of off-street parking.

Discussion Points: To frame up the work session, below are summaries of discussions that have taken place thus far and questions to consider.

- What should the goals of the OCE regulations be? What is the town trying to accomplish in terms of its sense of character, vitality, and eclectic nature?
- Do the limitations on the number of OCEs downtown achieve the desired outcome?
- Should different parts of town be handled differently?
- Is it time to regulate and enforce the use of public right of way in a more comprehensive and evenly applied way? For example, the use of sidewalks for retail and restaurant seating?

Areas of Town: Considerations and Suggestions of the Working Group

Main Street

It was suggested that Main Street be split between east and west Main Street due to larger parking lots and more space along West Main Street. The Working Group strongly felt that the same regulations should apply to all of Main Street, designating Main Street (between Granite Street and Galena Street Alley) to be one area for regulations. It was also recommended that with the high level of activity on Main Street that the addition of transient vendors or tents might be too chaotic or cluttered (but could be allowed with a previously stated exempt use).

Frisco PRA

The Frisco Peninsula Recreation Area (PRA) was acknowledged as a location that should allow flexibility to regulated transient vendors due to the location having a lack of competition with restaurants and retail businesses. For example, this might include food trucks or other food services, upon approval by the town to locate on public property.

Frisco Marina

The Frisco Marina was discussed and further feedback will be needed. Some group members were in support of OCEs being permitted at the Marina as they may add to the Marina ambiance, bring more people into the downtown area, and provide more variety to the food currently served on the property. Other attendees noted the difficulties of transient vendors being permitted in close proximity to Main Street as they might compete with the restaurants and retailers already established in the area. The Marina staff would like the flexibility to have mobile vendors in the future.

Summit Boulevard / Basecamp

An area of discussion was whether the Summit Boulevard and Basecamp areas should have the same or different set of regulations. Whereas the Basecamp property and Summit County Transit Center may have more land for transient vendors, concerns were raised by some that they should share the same set of regulations to keep the regulations simpler and because the character differences are not that great. It was agreed that transient vendors should be allowed on Summit Boulevard but more thought should be given as to how to regulate. Regulations could include distances to established restaurants and/or residential units.

Additional Input from Working Group

- Insurance is important and the Town should ensure that any transient vendor has an adequate policy.

- Regarding size limitations. The working group began realizing that what is more important than the size of equipment, is how many parking spaces the OCE utilizes. It was agreed that transient vendors should not take up any parking spaces which are required for other businesses on the property.
- Property owner control. Members of the group discussed that the property owner should be able to receive a transient and/or stationary vendor permit for a portion of their property and then they can control who goes in that location on their property.
- The Working Group suggested that there be a minimum amount of time that a transient vendor and/or stationary vendor can be in a location. This ensures they are committed to their permit and will not take away from other vendors who may be more serious. For example, a vendor may be permitted for every Saturday in a specific location from April – June. If the vendor is not present, their permit should be voided. It should be noted that presently there is only one vendor allowed per block on East Main Street. This means that when one vendor gains “control” of that block, even if they only are operating sporadically, no other vendor can locate on that block.
- Regarding tents. The Working Group discussed tents and that there is a difference between a tent with sides versus no sides. More discussions and feedback on tents for on-premise sales and off-premise vendors is needed. Preliminary feedback by the Working Group is that if it is a tent sale on premise for goods sold on site, and does not take away required parking spaces, then it should be allowed. Time limitations may need to be enacted.

Considerations and Suggestions of the Planning Commission

Planning Commissioners discussed the importance of the duration of a mobile vendor, parking and signage. Commissioners expressed enthusiasm for mobile vendors and the vitality that they could bring to parts of the community. Commissioners agreed that formal seating should not be allowed in conjunction with mobile vendors, but be more of a “grab and go” operation. Commissioners requested a joint work session with Town Council prior to further discussing revising the Outdoor Commercial Establishment regulations.

Attachments: Current Outdoor Commercial Establishment regulations
 “Food Truck Feeding Frenzy: Making Sense of Mobile Food Vending” by
 Rodney Arroyo, AICP and Jill Bahm, AICP